

CONNECTICUT LEGAL RIGHTS PROJECT  
P.O. Box 351, Silver Street, Middletown, CT 06457  
Telephone (860) 262-5030 · Fax (860) 262-5035

19  
March 20 2009

JUDICIARY COMMITTEE

Testimony of Sally R. Zanger, Staff Attorney,  
in support of H.B. 1125 including substitute language.

Sen. MacDonald, Rep. Lawlor, distinguished members of the committee, I am a staff attorney with the Connecticut Legal Rights Project (CLRP), which is a legal services organization that advocates for low-income individuals in institutions and in the community who have, or are perceived to have, psychiatric disabilities. We promote initiatives that integrate clients into the community and respect their freedom, dignity, and self-fulfillment. We represent clients in accordance with their expressed preferences. We work to ensure that clients are informed of their rights and options regarding treatment and services. We advocate to assure that these rights are honored, personal choices are respected, and individual self-determination is protected. We do this by enforcing due process, equal protection and other legal remedies in administrative, judicial, and legislative venues. CLRP develops and supports policies that protect and expand these individual rights. In enforcing our clients' rights we frequently bring complaints to the CHRO. **HB 1125 amends the statutes to include uniformly all protected classes of people for all areas. In particular it repairs the sections that previously did not explicitly protect people with mental disabilities. This is a long overdue and very welcome bill! We strongly support the goal of HB1125 to make the protections uniform across protected classes.**

As a civil rights organization, CLRP deplores discrimination based on prejudice and stigma against any class of individuals, and for that reason, we support the spirit of both bills to make the antidiscrimination statutes more inclusive that are before this Committee today. I note that HB 6452 only amends the CHRO statutes to include references to gender identity, but that HB 1125 aims to give the same protections to all protected individuals..

I attach proposed substitute language, which inserts three additional definitions to those already in the bill: "disability" and "national origin" and "gender identity," and amends the definition of sexual preference to include the terms proposed in HB 6452.

**Definition of disability:** The term "disability" is added to include both physical and mental disabilities, including present and past history of mental disabilities, learning disabilities, mental retardation, blindness and hearing impairment as already defined in the statute. Thereafter, anywhere the statute uses that string of disabilities to identify individuals who are protected, I inserted the single word "disability." It is simpler and more inclusive.

I noticed in reviewing the statutes that in several (but not all) sections, protection against discrimination based on alienage was prohibited. In HB 1125, all references to "alienage" were deleted without explanation. The statement of purpose does not include an intention to specifically remove such protections going forward and to permit such discrimination. Since there is no clear definition of "national origin" it seemed appropriate to include one and to include alienage within that definition, thus continuing the protection already in the statute.

I urge the committee to pass HB 1125 with the attached substitute language. (in the interest of conservation, I did not reprint unchanged sections of HB1125 in the substitute language).

Thank you for your time.

***AN ACT CONCERNING THE COMPREHENSIVE REVISION OF THE HUMAN RIGHTS AND OPPORTUNITIES STATUTES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 1-1f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

For purposes of sections 3-10e, 4a-60, as amended by this act, subdivision (12) of section 38a-816, chapter 814c and [sections 46a-58, 46a-60, 46a-64, 46a-70 to 46a-73, inclusive, 46a-75, 46a-76 and] section 52-175a:

(a) An individual is blind if his or her central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or if his or her visual acuity is greater than 20/200 but is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than twenty degrees;

(b) An individual is physically disabled [if he] or has a physical disability if such individual has any chronic physical handicap, infirmity or impairment, whether congenital or resulting from bodily injury, organic processes or changes or from illness, including, but not limited to, blindness, epilepsy, deafness or hearing impairment or reliance on a wheelchair or other remedial appliance or device.

(c) [NEW] (*Effective October 1, 2009*) An individual is disabled or has a disability if the individual has a physical disability, has a present or past history of mental disability, mental retardation, learning disability, or is blind or is an individual who is deaf in accordance with the definitions in this Section and Section 2 below. "Disability" as used in this chapter includes physical disability, a present or past history of mental disability, mental retardation, learning disability, or blindness or deafness in accordance with the definitions in this Section and Section 2 below.

(d) [NEW] (*Effective October 1, 2009*) "National Origin" includes but is not limited to an individual's, or his or her ancestor's, place of origin, alienage, or the physical, cultural or linguistic characteristics of a national origin group.

**Sec. 3. AS SET OUT IN RAISED BILL 1125**

Sec. 2. (NEW) (*Effective October 1, 2009*) As used in section 4a-60 of the general statutes, as amended by this act, and sections 46a-52 to 46a-104, inclusive, of the general statutes, as amended by this act:

- (1) "Application for credit" means any communication, oral or written, by a person to a creditor requesting an extension of credit to that person or to any other person, and includes any procedure involving the renewal or alteration of credit privileges or the changing of the name of the person to whom credit is extended;
- (2) "Blind" or "blindness" means a central visual acuity not exceeding 20/200 in the better eye with correcting lenses, or a visual acuity greater than 20/200 that is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than twenty degrees;
- (3) "Commission" means the Commission on Human Rights and Opportunities created by section 46a-52 of the general statutes, as amended by this act, or an individual lawfully exercising the powers and duties ascribed to the commission;
- (4) "Commission legal counsel" means a member of the legal staff employed by the commission pursuant to section 46a-54 of the general statutes, as amended by this act;
- (5) "Commissioner" means a member of the commission appointed pursuant to section 46a-52 of the general statutes, as amended by this act;
- (6) "Complainant" means any person, whether acting on his or her own behalf or through an attorney, who is filing or has filed a complaint pursuant to section 46a-82 of the general statutes, as amended by this act;
- (7) "Court" means the Superior Court or any judge of said court;
- (8) "Credit" means the right granted by a creditor to a person to defer payment of debt or to incur debt and defer its payment, or purchase property or services and defer its payment, including, but not limited to, the right to incur and defer debt secured by residential real property;
- (9) "Credit sale" means any transaction with respect to which credit is granted;
- (10) "Credit transaction" means any invitation to apply for credit, application for credit, extension of credit or credit sale;
- (11) "Creditor" means any person who regularly extends or arranges for the extension of credit for which the payment of a finance charge or interest is required whether in connection with loans, sale of property or services or otherwise;
- (12) "Deaf person" means a person who cannot readily understand spoken language through hearing alone and who may also have a speech defect which renders his or her speech unintelligible to most people with normal hearing;
- (13) "Discrimination" includes segregation and separation;
- (14) "Discrimination because of religious creed" includes, but is not limited to, discrimination related to all aspects of religious observances and practice as well as belief, unless an employer demonstrates that the employer is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business;

(15) "Discrimination because of sex" includes, but is not limited to, discrimination related to pregnancy, child-bearing capacity, sterilization, fertility or related medical conditions;

(16) "Discriminatory employment practice" means any discriminatory practice specified in section 46a-60 of the general statutes, as amended by this act;

(17) "Discriminatory housing practice" means any discriminatory practice specified in section 46a-64c of the general statutes, as amended by this act;

(18) "Discriminatory practice" means a violation of section 4a-60, as amended by this act, 4a-60g, as amended by this act, subdivisions (13) to (16), inclusive, of section 46a-54, as amended by this act, section 46a-58, as amended by this act, 46a-59, as amended by this act, 46a-60, as amended by this act, 46a-64, as amended by this act, 46a-64c, as amended by this act, 46a-66, as amended by this act, 46a-68, sections 46a-68c to 46a-68f, inclusive, or 46a-70 to 46a-78, inclusive, as amended by this act, or subsection (a) of section 46a-80 of the general statutes;

(19) "Dwelling" means any building, structure, mobile manufactured-home park or portion thereof occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land offered for sale or lease for the construction or location of any such building, structure, mobile manufactured-home park or portion thereof;

(20) "Employee" means any person employed by an employer, but does include any individual employed by the individual's parents, spouse or child, or in the domestic service of any person;

(21) "Employer" includes the state and all its political subdivisions and means any person with three or more persons in such person's employ;

(22) "Employment agency" means any person undertaking with or without compensation to procure employees or opportunities to work;

(23) "Extension of credit" means all acts incident to the evaluation of an application for credit and the granting of credit;

(24) "Fair Housing Act" means Title VIII of the Civil Rights Act of 1968, as amended, and known as the federal Fair Housing Act (42 USC Sections 3600-3620);

(25) "Familial status" means one or more individuals who have not attained the age of eighteen years living with a parent or another person having legal custody of such individual or individuals; or the designee of such parent or other person having such custody with the written permission of such parent or other person; or any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen years;

(26) "Family" includes a single individual;

(27) " Gender identity or expression" means a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's assigned sex at birth.

[(27)] (27) "Housing for older persons" means housing: (A) Provided under any state or federal program that the Secretary of the United States Department of Housing and Urban Development

determines is specifically designed and operated to assist elderly persons, as defined in the state or federal program; (B) intended for, and solely occupied by, persons sixty-two years of age or older; or (C) intended and operated for occupancy by at least one person fifty-five years of age or older per unit in accordance with the standards set forth in the Fair Housing Act and regulations developed pursuant thereto by the Secretary of the United States Department of Housing and Urban Development;

[(28)] (29) "Invitation to apply for credit" means any communication, oral or written, by a creditor that encourages or prompts an application for credit;

[(29)](30) "Labor organization" means any organization that exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection in connection with employment;

[(30)] (31) "Lawful source of income" means income derived from Social Security, supplemental security income, housing assistance, child support, alimony or public or state-administered general assistance;

[(31)] (32) "Learning disability" means a severe discrepancy between educational performance and measured intellectual ability and a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in a diminished ability to listen, speak, read, write, spell or to do mathematical calculations;

[(32)](33) "Marital status" means being single, married as recognized by the state of Connecticut, widowed, separated or divorced;

[(33)](34) "Mental disability" means one or more mental disorders, as defined in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders", or a record of or regarding a person as having one or more such disorders and, for purposes of section 46a-64c of the general statutes, as amended by this act, only, also includes, but is not limited to, a "handicap", as defined in the Fair Housing Act;

[(34)](35) "Mental retardation" means mental retardation, as defined in section 1-1g of the general statutes, as amended by this act;

[(35)](36) "Mobile manufactured-home park" means a plot of land upon which two or more mobile manufactured homes occupied for residential purposes are located;

[(36)] (37) "Person" means one or more individuals, partnerships, associations, corporations, limited liability companies, legal representatives, trustees, trustees in bankruptcy, receivers and the state and all political subdivisions and agencies thereof;

[(37)] (38) "Physical disability" means any chronic physical handicap, infirmity or impairment, whether congenital or resulting from bodily injury, organic processes or changes or from illness, including, but not limited to, blindness, epilepsy, deafness or hearing impairment or reliance on a wheelchair or other remedial appliance or device and, for purposes of section 46a-64c of the general statutes, as amended by this act, only, also includes, but is not limited to, a handicap, as defined in the Fair Housing Act;

[(38)] (39) "Public accommodation, resort or amusement" means any establishment that offers its services, facilities or goods to the general public, including, but not limited to, any commercial property or building lot on which it is intended that a commercial building will be constructed or offered for sale or rent;

[(39)] (40) "Referee" means a human rights referee appointed pursuant to section 46a-57 of the general statutes, as amended by this act;

[(40)] (41) "Residential real-estate-related transaction" means: (A) The making or purchasing of loans or providing other financial assistance for purchasing, constructing, improving, repairing or maintaining a dwelling, or secured by residential real estate; or (B) the selling, brokering or appraising of residential real property;

[(41)] (42) "Respondent" means any person, whether acting on his or her own behalf or through an attorney, alleged in a complaint filed pursuant to section 46a-82 of the general statutes, as amended by this act, to have committed a discriminatory practice;

[(42)] (43) "Sexual orientation" means heterosexuality, homosexuality or bisexuality, or having a history of or being identified as such and includes gender identity or expression. means a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's assigned sex at birth.

and

(43) "To rent" includes to lease, to sublease, to let or to otherwise grant for a consideration the right to occupy premises not owned by the occupant.

dividual's, or his or her ancestor's, place of origin, alienage, or because an individual has the physical, cultural or linguistic characteristics of a national origin group.

Sec. 4. Subsection (a) of section 4a-60 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

(a) Every contract to which the state or any political subdivision of the state other than a municipality is a party shall contain the following provisions: (1) The contractor agrees and warrants that in the performance of the contract such contractor will not discriminate or permit discrimination against any person or group of persons [on the grounds] because of race, color, religious creed, age, [marital status, national origin, ancestry, sex, mental retardation or physical disability, including, but not limited to, blindness] sex, sexual orientation, marital status, national origin, ancestry or disability, unless it is shown by [such] the contractor that [such] the disability prevents performance of the work involved, in any manner prohibited by the laws of the United States or of the state of Connecticut. The contractor further agrees to take affirmative action to insure that applicants with job-related qualifications are employed and that employees are treated when employed without regard to their race, color, religious creed, age, [marital status, national origin, ancestry, sex, mental retardation, or physical disability, including, but not limited to, blindness] sex, sexual orientation, marital status, national origin, ancestry or disability, unless it is shown by [such] the contractor that [such] the disability prevents performance of the work

involved; (2) the contractor agrees, in all solicitations or advertisements for employees placed by or on behalf of the contractor, to state that it is an "affirmative action-equal opportunity employer" in accordance with regulations adopted by the commission; (3) the contractor agrees to provide each labor union or representative of workers with which such contractor has a collective bargaining agreement or other contract or understanding and each vendor with which such contractor has a contract or understanding, a notice to be provided by the commission advising the labor union or workers' representative of the contractor's commitments under this section, and to post copies of the notice in conspicuous places available to employees and applicants for employment; (4) the contractor agrees to comply with each provision of this section and sections 46a-68e and 46a-68f and with each regulation or relevant order issued by said commission pursuant to sections 46a-56, as amended by this act, 46a-68e, [and] 46a-68f [;] and 46a-86, as amended by this act; and (5) the contractor agrees to provide the Commission on Human Rights and Opportunities with such information requested by the commission, and permit access to pertinent books, records and accounts, concerning the employment practices and procedures of the contractor as relate to the provisions of this section and section 46a-56, as amended by this act. If the contract is a public works contract, the contractor agrees and warrants that [he] the contractor will make good faith efforts to employ minority business enterprises as subcontractors and suppliers of materials on such public works project. Prior to entering into the contract, the contractor shall provide the state or such political subdivision of the state with documentation in the form of a company or corporate policy adopted by resolution of the board of directors, shareholders, managers, members or other governing body of such contractor to support the nondiscrimination agreement and warranty under subdivision (1) of this subsection. For the purposes of this section, "contract" includes any extension or modification of the contract, and "contractor" includes any successors or assigns of the contractor.

Sec. 5. Subdivision (7) of subsection (a) of section 4a-60g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

(7) "Individual with a disability" means an individual [(A) having a physical or mental impairment that substantially limits one or more of the major life activities of the individual, or (B) having a record of such an impairment] who has a "mental disability" or "physical disability", or "disability" as defined in section 2 of this act.

(SECTIONS 6-8 AS SET OUT IN BILL)

Sec. 9. Section 46a-58 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

(a) It shall be a discriminatory practice in violation of this section for any person to subject, or cause to be subjected, any other person to the deprivation of any rights, privileges or immunities, secured or protected by the Constitution or laws of this state or of the United States [, on account of religion, national origin, alienage, color, race,] because of race, color, religious creed, age, sex, sexual orientation, [blindness] marital status, national origin, ancestry, or [physical] disability.

(b) Any person who intentionally desecrates any public property, monument or structure, or any religious object, symbol or house of religious worship, or any cemetery, or any private structure not owned by such person, shall be in violation of subsection (a) of this section. For the purposes of this subsection, "desecrate" means to mar, deface or damage as a demonstration of irreverence

or contempt.

(c) Any person who places a burning cross or a simulation thereof on any public property, or on any private property without the written consent of the owner, shall be in violation of subsection (a) of this section.

(d) Any person who places a noose or a simulation thereof on any public property, or on any private property without the written consent of the owner, and with intent to intimidate or harass any other person [on account of religion, national origin, alienage, color, race,] because of race, color, religious creed, age, sex, sexual orientation, [blindness] marital status, national origin, ancestry, or [physical] disability, shall be in violation of subsection (a) of this section.

[(e) Any person who violates any provision of this section shall be guilty of a class A misdemeanor, except that if property is damaged as a consequence of such violation in an amount in excess of one thousand dollars, such person shall be guilty of a class D felony.]

Sec. 10. Subsection (a) of section 46a-59 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

(a) It shall be a discriminatory practice in violation of this section for any association, board or other organization the principal purpose of which is the furtherance of the professional, trade or occupational interests of its members [.] whose profession, trade or occupation requires a state license, to refuse to accept a person as a member of such association, board or organization because of [his race, national origin, creed, sex or color] race, color, religious creed, age, sex, sexual orientation, marital status, national origin, ancestry, present or past history of mental disability, mental retardation, learning disability or physical disability.

Sec. 11. Subsection (a) of section 46a-60 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

(a) It shall be a discriminatory practice in violation of this section:

(1) For an employer, by [the employer or the employer's] itself or its agent, except in the case of a bona fide occupational qualification or need, to refuse to hire or employ or to bar or to discharge from employment any individual or to discriminate against [such] any individual in compensation or in terms, conditions or privileges of employment because of the individual's race, color, religious creed, age, sex, sexual orientation, marital status, national origin, ancestry, present or past history of mental disability, mental retardation, learning disability or physical disability; [, including, but not limited to, blindness;]

(2) For any employment agency, except in the case of a bona fide occupational qualification or need, to fail or refuse to classify properly or refer for employment or otherwise to discriminate against any individual because of such individual's race, color, religious creed, age, sex, sexual orientation, marital status, national origin, ancestry, present or past history of mental disability, mental retardation, learning disability or physical disability; [, including, but not limited to, blindness;]

(3) For a labor organization, [because of the race, color, religious creed, age, sex, marital status, national origin, ancestry, present or past history of mental disability, mental retardation, learning disability or physical disability, including, but not limited to, blindness of any individual] except



in the case of a bona fide occupational qualification or need, to exclude from full membership rights or to expel from its membership [such] any individual or to discriminate in any way against any of its members or against any employer or any individual employed by an employer [ unless such action is based on a bona fide occupational qualification] because of such individual's race, color, religious creed, age, sex, sexual orientation, marital status, national origin, ancestry, present or past history of mental disability, mental retardation, learning disability or physical disability;

[(4) For any person, employer, labor organization or employment agency to discharge, expel or otherwise discriminate against any person because such person has opposed any discriminatory employment practice or because such person has filed a complaint or testified or assisted in any proceeding under section 46a-82, 46a-83 or 46a-84;

(5) For any person, whether an employer or an employee or not, to aid, abet, incite, compel or coerce the doing of any act declared to be a discriminatory employment practice or to attempt to do so;]

[(6)] (4) For any person, employer, employment agency or labor organization, except in the case of a bona fide occupational qualification or need, to advertise employment opportunities in such a manner as to restrict such employment so as to discriminate against individuals because of their race, color, religious creed, age, sex, sexual orientation, marital status, national origin, ancestry, [present or past history of mental disability, mental retardation, learning disability] or [physical disability; [ including, but not limited to, blindness;]

[(7)] (5) For an employer, by [the employer or the employer's] itself or its agent: (A) To terminate a woman's employment because of her pregnancy; (B) to refuse to grant to that employee a reasonable leave of absence for disability resulting from her pregnancy; (C) to deny to that employee, who is disabled as a result of pregnancy, any compensation to which she is entitled as a result of the accumulation of disability or leave benefits accrued pursuant to plans maintained by the employer; (D) to fail or refuse to reinstate the employee to her original job or to an equivalent position with equivalent pay and accumulated seniority, retirement, fringe benefits and other service credits upon her signifying her intent to return unless, in the case of a private employer, the employer's circumstances have so changed as to make it impossible or unreasonable to do so; (E) to fail or refuse to make a reasonable effort to transfer a pregnant employee to any suitable temporary position which may be available in any case in which an employee gives written notice of her pregnancy to her employer and the employer or pregnant employee reasonably believes that continued employment in the position held by the pregnant employee may cause injury to the employee or fetus; (F) to fail or refuse to inform the pregnant employee that a transfer pursuant to subparagraph (E) of this subdivision may be appealed under the provisions of this chapter; or (G) to fail or refuse to inform employees of the employer, by any reasonable means, that they must give written notice of their pregnancy [in order] to be eligible for transfer to a temporary position;

[(8)] (6) For an employer, by [the employer or the employer's] itself or its agent, for an employment agency, by itself or its agent, or for any labor organization, by itself or its agent, to harass or to permit the sexual harassment of any employee, person seeking employment or member [on the basis] because of sex. "Sexual harassment" shall, for the purposes of this section, be defined as any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when (A) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; [,] (B) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; [,] or (C)

such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment;

[(9)] (7) For an employer, by [the employer or the employer's] itself or its agent, for an employment agency, by itself or its agent, or for any labor organization, by itself or its agent, to request or require information from an employee, person seeking employment or member relating to the individual's child-bearing age or plans, pregnancy, function of the individual's reproductive system, use of birth control methods, or the individual's familial responsibilities, unless such information is directly related to a bona fide occupational qualification or need, provided an employer, through a physician may request from an employee any such information which is directly related to workplace exposure to substances which may cause birth defects or constitute a hazard to an individual's reproductive system or to a fetus if the employer first informs the employee of the hazards involved in exposure to such substances;

[(10)] (8) For an employer, by [the employer or the employer's] itself or its agent, after informing an employee, pursuant to subdivision (9) of this subsection, of a workplace exposure to substances which may cause birth defects or constitute a hazard to an employee's reproductive system or to a fetus, to fail or refuse, upon the employee's request, to take reasonable measures to protect the employee from the exposure or hazard identified, or to fail or refuse to inform the employee that the measures taken may be the subject of a complaint filed under the provisions of this chapter or section 3 of this act. Nothing in this subdivision is intended to prohibit an employer from taking reasonable measures to protect an employee from exposure to such substances. For the purpose of this subdivision, "reasonable measures" shall be those measures [which] that are consistent with business necessity and are least disruptive of the terms and conditions of the employee's employment;

[(11)] (9) For an employer, by [the employer or the employer's] itself or its agent, for an employment agency, by itself or its agent, or for any labor organization, by itself or its agent: (A) To request or require genetic information from an employee, person seeking employment or member; [,] or (B) to discharge, expel or otherwise discriminate against any person on the basis of genetic information. For the purpose of this subdivision, "genetic information" means the information about genes, gene products or inherited characteristics that may derive from an individual or a family member.

Sec. 12. Section 46a-61 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

The use of numerical goals, [or quotas,] quotas or other types of affirmative action programs [,] in the administration or enforcement of [the provisions of] section 46a-60, as amended by this act, relating to discrimination [on account] because of a present or past history of mental [disorder] disability is prohibited.

Sec. 13. Section 46a-64 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

(a) It shall be a discriminatory practice in violation of this section: (1) To deny any person within the jurisdiction of this state full and equal accommodations in any [place of] public accommodation, resort or amusement because of race, [creed, color, national origin, ancestry, sex, marital status, age, lawful source of income, mental retardation, mental disability or physical disability, including, but not limited to, blindness or deafness of the applicant] color, religious creed, age, sex, sexual orientation, marital status, national origin, ancestry, disability or lawful

source of income, subject only to the conditions and limitations established by law and applicable alike to all persons; (2) to discriminate, segregate or separate on account of race, [creed, color, national origin, ancestry, sex, marital status, age, lawful source of income, mental retardation, mental disability, learning disability or physical disability, including, but not limited to, blindness or deafness] color, religious creed, age, sex, sexual orientation, marital status, national origin, ancestry, disability or lawful source of income; (3) for a [place of] public accommodation, resort or amusement to restrict or limit the right of a mother to breast-feed her child; (4) for a [place of] public accommodation, resort or amusement to fail or refuse to post a notice [,] in a conspicuous place [,] that any blind, deaf, [or] mobility impaired or otherwise disabled person, accompanied by [his] a guide dog wearing a harness or an orange-colored leash and collar, may enter such premises or facilities; or (5) to deny any blind, deaf, [or] mobility impaired or otherwise disabled person or any person training a dog as a guide dog or an assistance dog, [for a blind person or a dog to assist a deaf or mobility impaired person,] accompanied by [his] a guide dog or assistance dog, full and equal access to any [place of] public accommodation, resort or amusement. Any blind, deaf, [or] mobility impaired or otherwise disabled person or any person training a dog as a guide dog or an assistance dog [for a blind person or a dog to assist a deaf or mobility impaired person] may keep [his] a guide dog or assistance dog [with him] at all times in [such place of] a public accommodation, resort or amusement at no extra charge, provided the dog wears a harness or an orange-colored leash and collar and is in the direct custody of such person. The blind, deaf, [or] mobility impaired or otherwise disabled person or person training a dog as a guide dog [for a blind person or a dog to assist a deaf or mobility impaired person] or an assistance dog shall be liable for any damage done to the premises or facilities by [his] such dog. For purposes of this subdivision, "guide dog" or "assistance dog" includes a dog being trained as a guide dog or assistance dog and ["person training a dog as a guide dog for a blind person or a dog to assist a deaf or mobility impaired person"] "person training a dog as a guide dog or an assistance dog" means a person who is employed by and authorized to engage in designated training activities by a guide dog organization or assistance dog organization that complies with the criteria for membership in a professional association of guide dog or assistance dog schools and who carries photographic identification indicating such employment and authorization.

(b) (1) The provisions of this section with respect to the prohibition of [sex] discrimination because of sex shall not apply to (A) the rental of sleeping accommodations provided by associations and organizations which rent all such sleeping accommodations on a temporary or permanent basis for the exclusive use of persons of the same sex, or (B) separate bathrooms or locker rooms based on sex. (2) The provisions of this section with respect to the prohibition of discrimination [on the basis] because of age shall not apply to minors or to special discount or other public or private programs to assist persons sixty years of age and older. (3) The provisions of this section with respect to the prohibition of discrimination [on the basis] because of physical disability shall not require any person to modify [his] property in any way or provide a higher degree of care for a physically disabled person [, including, but not limited to blind or deaf persons,] than for a person not physically disabled, unless otherwise required by state or federal law. (4) The provisions of this section with respect to the prohibition of discrimination [on the basis of] because of religious creed shall not apply to the practice of granting preference in admission of residents into a nursing home, as defined in section 19a-490, if (A) the nursing home is owned, operated by or affiliated with a religious organization [,] exempt from taxation for federal income tax purposes, and (B) the class of persons granted preference in admission is consistent with the religious mission of the nursing home. (5) The provisions of this section with respect to the prohibition of discrimination [on the basis] because of lawful source of income shall not prohibit the denial of full and equal accommodations solely on the basis of insufficient income.

[(c) Any person who violates any provision of this section shall be fined not less than twenty-five dollars or more than one hundred dollars or imprisoned not more than thirty days, or both.]

Sec. 14. Section 46a-64c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

(a) It shall be a discriminatory practice in violation of this section:

(1) To refuse to sell or rent, after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, [creed, color, national origin, ancestry, sex, marital status, age] color, religious creed, age, sex, sexual orientation, marital status, national origin, ancestry, disability, lawful source of income or familial status.

(2) To discriminate against any person in the terms, conditions [,] or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, [creed, color, national origin, ancestry, sex, marital status, age] color, religious creed, age, sex, sexual orientation, marital status, national origin, ancestry, disability, lawful source of income or familial status.

(3) To make, print or publish, or cause to be made, printed or published, any notice, statement [,] or advertisement [,] with respect to the sale or rental of a dwelling that indicates any preference, limitation [,] or discrimination based on race, [creed, color, national origin, ancestry, sex, marital status, age, lawful source of income, familial status, learning disability or physical or mental disability, or an] color, religious creed, age, sex, sexual orientation, marital status, national origin, ancestry, disability, lawful source of income or familial status, or any intention to make any such preference, limitation or discrimination.

(4) (A) To represent to any person because of race, [creed, color, national origin, ancestry, sex, marital status, age, lawful source of income, familial status, learning disability or physical or mental disability] color, religious creed, age, sex, sexual orientation, marital status, national origin, ancestry, disability, lawful source of income or familial status that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.

(B) It shall be a violation of this subdivision for any person to restrict or attempt to restrict the choices of any buyer or renter to purchase or rent a dwelling: (i) [to] To an area which is substantially populated, even if less than a majority, by persons of the same protected class as the buyer or renter; [,] (ii) while such person is authorized to offer for sale or rent another dwelling which meets the housing criteria as expressed by the buyer or renter to such person; and (iii) such other dwelling is in an area which is not substantially populated by persons of the same protected class as the buyer or renter. As used in this subdivision, "area" means municipality, neighborhood or other geographic subdivision which may include an apartment or condominium complex; and "protected class" means race, [creed, color, national origin, ancestry, sex, marital status, age, lawful source of income, familial status, learning disability or physical or mental disability] color, religious creed, age, sex, sexual orientation, marital status, national origin, ancestry, disability, lawful source of income or familial status.

(5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, [creed, color, national origin, ancestry, sex, marital status, age,

lawful source of income, familial status, learning disability or physical or mental disability] color, religious creed, age, sex, sexual orientation, marital status, national origin, ancestry, disability, lawful source of income or familial status.

(6) (A) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a [learning] disability [or physical or mental disability] of: (i) Such buyer or renter; (ii) a person residing in or intending to reside in such dwelling after it is so sold, rented, or made available; or (iii) any person associated with such buyer or renter.

(B) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a [learning] disability [or physical or mental disability] of: (i) Such person; or (ii) a person residing in or intending to reside in such dwelling after it is so sold, rented, or made available; or (iii) any person associated with such person.

(C) For purposes of this subdivision, discrimination includes: (i) A refusal to permit, at the expense of a person with a [physical or mental] disability, reasonable modifications of existing premises occupied or to be occupied by such person, if such modifications may be necessary to afford such person full enjoyment of the premises, [;] except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted; (ii) a refusal to make reasonable accommodations in rules, policies, practices or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; and (iii) in connection with the design and construction of covered multifamily dwellings for the first occupancy after March 13, 1991, a failure to design and construct those dwellings in such manner that they comply with the requirements of Section 804(f) of the Fair Housing Act or the provisions of the state building code as adopted pursuant to the provisions of sections 29-269 and 29-273, whichever requires greater accommodation. "Covered multifamily dwellings" means buildings consisting of four or more units, if such buildings have one or more elevators, and ground floor units in other buildings consisting of four or more units.

(7) For any person or other entity engaging in residential real-estate-related transactions, to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, [creed, color, national origin, ancestry, sex, marital status, age, lawful source of income, familial status, learning disability or physical or mental disability] color, religious creed, age, sex, sexual orientation, marital status, national origin, ancestry, disability, lawful source of income or familial status.

(8) To deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization [,] or facility relating to the business of selling or renting dwellings, or to discriminate against [him] any person in the terms or conditions of such access, membership or participation, [on account] because of race, [creed, color, national origin, ancestry, sex, marital status, age, lawful source of income, familial status, learning disability or physical or mental disability] color, religious creed, age, sex, sexual orientation, marital status, national origin, ancestry, disability, lawful source of income or familial status.

(9) To coerce, intimidate, threaten [,] or interfere with any person in the exercise or enjoyment of, or on account of [his] such person's having exercised or enjoyed, or on account of [his] such

person's having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this section.

(b) (1) The provisions of this section shall not apply to (A) the rental of a room or rooms in a single-family dwelling unit, if the owner actually maintains and occupies part of such living quarters as his or her residence; or (B) a unit in a dwelling containing living quarters occupied or intended to be occupied by no more than two families living independently of each other, if the owner actually maintains and occupies the other [such living quarters] unit as his or her residence. (2) The provisions of this section with respect to the prohibition of discrimination [on the basis] because of marital status shall not be construed to prohibit the denial of a dwelling to a man or a woman who are both unrelated by blood and not married to each other. (3) The provisions of this section with respect to the prohibition of discrimination [on the basis] because of age shall not apply to minors, to special discount or other public or private programs to assist persons sixty years of age and older or to housing for older persons, as defined in section [46a-64b] 2 of this act, provided there is no discrimination [on the basis] because of age among older persons eligible for such housing. (4) The provisions of this section with respect to the prohibition of discrimination [on the basis] because of familial status shall not apply to housing for older persons, as defined in section [46a-64b] 2 of this act, or to a unit in a dwelling containing units for no more than four families living independently of each other, if the owner of such dwelling resides in one of the units. (5) The provisions of this section with respect to the prohibition of discrimination [on the basis] because of lawful source of income shall not prohibit the denial of full and equal accommodations solely on the basis of insufficient income. (6) The provisions of this section with respect to the prohibition of discrimination [on the basis] because of sex shall not apply to the rental of sleeping accommodations to the extent they utilize shared bathroom facilities, when such sleeping accommodations are provided by associations and organizations which rent such [sleeping] accommodations on a temporary or permanent basis for the exclusive use of persons of the same sex based on considerations of privacy and modesty.

(c) Nothing in this section limits the applicability of any reasonable state statute or municipal ordinance restricting the maximum number of persons permitted to occupy a dwelling.

(d) Nothing in this section [or section 46a-64b] shall be construed to invalidate or limit any state statute or municipal ordinance that requires dwellings to be designed and constructed in a manner that affords persons with physical or mental disabilities greater access than is required by this section, [or section 46a-64b.]

(e) Nothing in this section prohibits a person engaged in the business of furnishing appraisals of real property [to take] from taking into consideration factors other than race, [creed, color, national origin, ancestry, sex, marital status, age, lawful source of income, familial status, learning disability or physical or mental disability] color, religious creed, age, sex, sexual orientation, marital status, national origin, ancestry, disability, lawful source of income or familial status.

(f) Notwithstanding any other provision of this chapter or section 3 of this act, complaints alleging a violation of this section shall be investigated within one hundred days of filing and a final administrative disposition shall be made within one year of filing unless it is impracticable to do so. If the Commission on Human Rights and Opportunities is unable to complete its investigation or make a final administrative determination within such time frames, it shall notify the complainant and the respondent in writing of the reasons for not doing so.

[(g) Any person who violates any provision of this section shall be fined not less than twenty-

five dollars or more than one hundred dollars or imprisoned not more than thirty days, or both.]

Sec. 15. Subsection (a) of section 46a-66 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

(a) It shall be a discriminatory practice in violation of this section for any creditor to discriminate [on the basis of sex, age,] because of race, color, religious creed, age, sex, sexual orientation, marital status, national origin, ancestry, [marital status, mental retardation, learning disability, blindness] or [physical] disability against any person eighteen years of age or over in any credit transaction.

Sec. 16. Section 46a-67 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

(a) The Banking Commissioner shall cooperate with the commission in its enforcement of sections [46a-65 to 46a-67, inclusive, 46a-81f] 46a-66, as amended by this act, 46a-67, as amended by this act, and 46a-98, as amended by this act.

(b) The Banking Commissioner shall comply with the commission's request for information, reasonable investigatory assistance and the promulgation of regulations which may be required for the effective administration of sections [46a-65 to 46a-67, inclusive, 46a-81f] 46a-66, as amended by this act, 46a-67, as amended by this act, and 46a-98, as amended by this act.

Sec. 17. Subsection (b) of section 46a-68a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

(b) The issuance of a certificate of noncompliance shall bar the agency, department, board or commission in noncompliance with section 46a-68 from filling a position or position classification by hire or promotion upon receipt of the certificate, the provisions of any state law or regulation to the contrary notwithstanding, until: (1) The commission determines that the agency has achieved compliance with section 46a-68 and withdraws the certificate; [or] (2) the commission, at a hearing requested by the agency, department, board or commission receiving the certificate and conducted by a [presiding officer] referee appointed by the [chairperson of the commission] chief referee, is unable to show cause why the certificate of noncompliance should not be rescinded or a court, upon appeal, so determines; or (3) the Commissioner of Administrative Services and the Secretary of the Office of Policy and Management certify to the commission that the agency in noncompliance with section 46a-68 requires immediate filling of the vacancy because failure to fill the position or position classification will cause an emergency situation to exist, jeopardizing the public welfare. A separate certificate of exemption shall be required for each vacancy in a position or position classification with respect to which the Commissioner of Administrative Services and the Secretary of the Office of Policy and Management certify that an emergency situation exists.

Sec. 18. Subsection (a) of section 46a-70 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

(a) State officials and supervisory personnel shall recruit, appoint, assign, train, evaluate and promote state personnel on the basis of merit and qualifications, without regard for race, color, religious creed, [sex, marital status, age, national origin, ancestry, mental retardation, mental disability, learning disability or physical disability, including but not limited to, blindness] age,

sex, sexual orientation, marital status, national origin, ancestry, disability, unless it is shown by such state officials or supervisory personnel that such disability prevents performance of the work involved.

SEC. 19. AS SET OUT IN RAISED BILL 1125

Sec. 20. Subsection (a) of section 46a-71 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

(a) All services of every state agency shall be performed without discrimination based upon race, color, religious creed, [sex, marital status, age, national origin, ancestry, mental retardation, mental disability, learning disability or physical disability, including, but not limited to, blindness] age, sex, sexual orientation, marital status, national origin, ancestry, disability.

Sec. 21. Subsection (b) of section 46a-72 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

(b) Any job request indicating an intention to exclude any person because of race, color, religious creed, [sex, marital status, age, national origin, ancestry, mental retardation, mental disability, learning disability or physical disability, including, but not limited to, blindness] age, sex, sexual orientation, marital status, national origin, ancestry, or disability shall be rejected, unless it is shown by such public or private [employers] employer that [such] the disability prevents performance of the work involved.

Sec. 22. Subsection (a) of section 46a-73 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

(a) No state department, board or agency may grant, deny or revoke the license or charter of any person [on the grounds] because of race, color, religious creed, [sex, marital status, age, national origin, ancestry, mental retardation, mental disability, learning disability or physical disability, including, but not limited to, blindness] age, sex, sexual orientation, marital status, national origin, ancestry or disability, unless it is shown by such state department, board or agency that [such] the disability prevents performance of the work involved.

Sec. 23. Subsection (a) of section 46a-75 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

(a) All educational, counseling [,] and vocational guidance programs and all apprenticeship and on-the-job training programs of state agencies [,] or in which state agencies participate, shall be open to all qualified persons, without regard to race, color, religious creed, [sex, marital status, age, national origin, ancestry, mental retardation, mental disability, learning disability or physical disability, including, but not limited to, blindness] age, sex, sexual orientation, marital status, national origin, ancestry or disability.

Sec. 24. Subsection (a) of section 46a-76 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

(a) Race, color, religious creed, [sex, marital status, age, national origin, ancestry, mental retardation, mental disability, learning disability or physical disability, including, but not limited to, blindness] age, sex, sexual orientation, marital status, national origin, ancestry or disability



shall not be considered as limiting factors in state-administered programs involving the distribution of funds to qualify applicants for benefits authorized by law.

Sec. 25. Subsection (c) of section 46a-77 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

(c) Each state agency shall comply [in all of its services, programs and activities with the provisions of] with the Americans with Disabilities Act (42 USC 12101) to the [same] extent that it provides rights and protections for persons with physical or mental disabilities beyond those provided for by the laws of this state.

**(SECTION 26-50 AS SET OUT IN RAISED BILL 1125)**

Sec. 51. Section 53-37 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

(a) Any person who [, by his advertisement,] ridicules or holds up to contempt any person or class of persons [, on account of the creed, religion, color, denomination, nationality or race] because of the race, color, religious creed, age, sex, sexual orientation, marital status, national origin, ancestry, or disability of such person or class of persons, shall be fined not more than fifty dollars or imprisoned not more than thirty days, or both.

(b) Any person who violates any provision of section 46a-64, as amended by this act, shall be fined not less than twenty-five or more than one hundred dollars or imprisoned not more than thirty days, or both.

(c) Any person who violates any provision of section 46a-64c, as amended by this act, shall be fined not less than twenty-five or more than one hundred dollars or imprisoned not more than thirty days, or both.

Sec. 52. Section 53-37a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

(a) Any person who, while wearing a mask, hood or other device designed to conceal the identity of such person and with the intent to subject, or cause to be subjected, any other person to the deprivation of any rights, privileges or immunities, secured or protected by the Constitution or laws of this state or of the United States [, on account of religion, national origin, alienage, color, race, sex, sexual orientation, blindness or physical disability, violates the provisions of section 46a-58 while wearing a mask, hood or other device designed to conceal the identity of such person] because of race, color, religious creed, age, sex, sexual orientation, marital status, national origin, ancestry, or disability shall be guilty of a class D felony.

(b) Any person who violates any provision of section 46a-58, as amended by this act, shall be guilty of a class A misdemeanor, except that if property is damaged as a consequence of such violation in an amount in excess of one thousand dollars, such person shall be guilty of a class D felony.

**(SECTION 53-60 AND EFFECTIVE DATES AS SET OUT IN RAISED BILL 1125)**

*Statement of Purpose:*

To comprehensively revise and reorganize the statutes related to the Commission on Human Rights and Opportunities.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*